

Tallangatta Secondary College Policy Manual	<b>CHILD SAFETY RESPONDING AND REPORTING OBLIGATIONS (INCLUDING MANDATORY REPORTING) POLICY AND PROCEDURES</b>	School Council Meeting: APRIL 2021
Information: 60715000  Manager: Principal	Related Policies: Child Safety Policy Staff Code of Practice Policy Student Engagement Policy Statement of Commitment to Child Safety	Reviewed: Every two years

## PURPOSE

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Tallangatta Secondary College. The specific procedures that are applicable at our school are contained at Appendix A.

## SCOPE

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and school council-run events, activities and services.

## POLICY

All children and young people have the right to protection in their best interests.

Tallangatta Secondary College understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

The staff at Tallangatta Secondary College are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to [Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

At Tallangatta Secondary College we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

## Mandatory Reporting

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- School staff who have been granted permission to teach by the VIT
- registered medical practitioners and nurses
- registered psychologists
- all members of the police force
- People in religious ministry
- Staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff

All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Tallangatta Secondary College to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our school, all school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

For more information about Mandatory Reporting see the Department's *Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#)*.

### Child in need of protection

Any person can make a report to DHHS Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS Child Protection, see the Department's *Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#) and [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)*.

At Tallangatta Secondary College we also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the *Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#)* .

## Reportable Conduct

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

Our principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school principal immediately. If the allegation relates to the principal, they should notify the Regional Director.

For more information about Reportable Conduct see the Department's *Policy and Advisory Library: Reportable Conduct*.

## Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

### **Failure to protect offence**

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

### **Grooming**

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

### **Further information**

For more information about these offences and reporting obligations see: [Protecting Children — Reporting and Other Legal Obligations](#).

### **REVIEW CYCLE**

This policy was last updated on 16 June 2021 and is scheduled for review on June 2023

## APPENDIX A

### CHILD SAFETY RESPONDING AND REPORTING PROCEDURES AT TALLANGATTA SECONDARY COLLEGE

#### **For students**

- All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a student does not know who to approach at Tallangatta Secondary College they should start with their REAL Mentor.

#### **Managing disclosures made by students**

*When managing a disclosure you should:*

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you").

*When managing a disclosure you should AVOID:*

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault

- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).

### **General procedures**

Our school will follow the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

All staff at our school who believe that a child is in need of protection, even if it doesn't meet the threshold required for mandatory reporting or the staff member is not a mandatory reporter, should in the first instance, speak to Jocelyn Ziebell, Assistant Principal or Richelle Moyle, Principal or should make the required reports to DHHS Child Protection and/or Victoria Police as necessary.

At our school the Principal will be responsible for monitoring overall school compliance with this procedure.

Nothing in this procedure prevents a staff member or any other person from reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

### **Reporting suspicions, disclosures or incidents of child abuse**

#### *Responsibilities of all school staff*

If a school staff member reasonably suspects or witnesses an incident of child abuse or receives a disclosure of child abuse, they must:

- If a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid and call 000.
- Speak to the Assistant Principal as soon as possible, who will follow the [Four Critical Actions](#).
- If the staff member is a mandatory reporter and reasonably believes that a student has suffered physical and/or sexual abuse from which the child's parents have not protected the child, they must make a report to DHHS Child Protection.
- If the staff member has formed a 'reasonable belief' that a sexual offence has been against a child, they must make a report to Victoria Police.

In circumstances where a member of the leadership team disagrees that a report needs to be made, but the staff member has formed a 'reasonable belief' that the child is in need of protection and/or has been the victim of sexual abuse, the staff member must still contact DHHS Child Protection and/or Victoria Police to make the report.

#### *Responsibilities of Assistant Principal allocated to manage and/or report incidents, suspicions or disclosures to Child Protection or Victoria Police*

The Assistant Principal is responsible for promptly managing the school's response to an incident, suspicion or disclosure of child abuse, and ensuring that the incident, suspicion or disclosure is taken seriously. The Assistant Principal is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Assistant Principal receives a report from a school staff member or member of the school community of a suspicion, disclosure or incident of child abuse, they must:

- Follow the [Four Critical Actions](#) as soon as possible, including:
  - Responding to an emergency
  - Reporting to authorities/referring to services
  - Contacting parents/carers and
  - Providing ongoing support.
- Make detailed notes of the incident or disclosure, including actions taken and ensure that those notes are kept and stored securely. They are also responsible for ensuring that any staff member who reported the incident, disclosure or suspicion to them also makes and keeps notes of the incident.
- At Tallangatta Secondary College Assistant Principal will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported.

If the Assistant Principal is unavailable, the Principal or a Wellbeing team member will take on the role and responsibilities described in this section.

### **Duty of care and ongoing support for students**

Fulfilling the requirements in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse.

All staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All staff must ensure that the Assistant Principal or other appropriate staff member is aware of any incidents, suspicions or disclosures of child abuse as soon as possible after they occur. This will allow appropriate supports to be put in place for the student affected.

### **For school visitors, volunteers and school community members**

All community members aged 18 years or over should be aware of their legal obligations – see *Failure to disclose offence* above, in this Policy.

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection. For contact details see the Four Critical Actions - [https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)

There is no requirement for community members to inform the school if they are making a disclosure to DHHS Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the school, and where disclosure of that concern will not compromise any potential police investigation, the community member should report this concern to the principal so that appropriate steps to support the student can be taken.

### **FORMING A BELIEF ON REASONABLE GROUNDS**

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child. There may be reasonable grounds for forming such a belief if:

- a child or young person states that they have been physically or sexually abused
- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child or young person states that the child or young person has been physically or sexually abused

- a child shows signs of being physically or sexually abused.
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development
- the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

## REPORTING A BELIEF

School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school. Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. Where feasible, members of staff are encouraged to discuss their belief with a member of the Student Wellbeing Team before making a report. A report must be made as soon as practicable after forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief. If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

## PROTECTION FOR REPORTERS

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report. The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court. If Child Protection decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Department of Human Services (DHS) Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent. If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

## THE ROLE OF SCHOOL STAFF

School staff have a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.

The roles and responsibilities of staff in supporting children and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

Staff **do not require** the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so.

It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home.

## CONFIDENTIALITY FOR THE CHILD

Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation.

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

## CHILD PROTECTION INTERVIEWS

Child Protection may conduct interviews of children and young people at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child or young person.

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

## SUPPORT PERSONS

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the staff member to receive information regarding Child Protection's investigation.

### **FAILURE TO REPORT**

A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

### **STAFF TRAINING**

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook. Staff will complete the DET Mandatory Reporting Online Modules as required by DET.

## MAKING A REPORT TO CHILD PROTECTION

1	<p>School staff should keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• Description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• Source of those concerns (e.g. observation, report from child or another person)</li> <li>• Actions taken as a result of the concerns (e.g. consultation with a Student Wellbeing Team member, report to DHS Child Protection etc).</li> </ul>
2	<p>School staff should discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they must or may make a report about the child or young person.</p> <p>Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with a member of the Student Wellbeing Team or a member of the school leadership team. If a principal, member of the leadership or Student Wellbeing teams does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with a member of the Student Wellbeing Team or a member of the school leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.</p>
3	<p>School staff should gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• Full name, date of birth, and residential address of the child or young person</li> <li>• Details of the concerns and the reasons for those concerns</li> <li>• The individual staff member's involvement with the child and young person</li> <li>• Details of any other agencies who may be involved with the child or young person .</li> </ul>
4	<p>Make a report to the relevant agency. This may be:</p> <ul style="list-style-type: none"> <li>• Department of Human Services Child Protection</li> <li>• Child First</li> <li>• Victoria Police</li> </ul>
5	<p>Make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> <li>• The date and time of the report and a summary of what was reported</li> <li>• The name and position of: the person who made the report the person who received the report</li> </ul>
6	<p>Notify relevant school staff and/or Departmental staff of the report. School staff should advise the principal or a member of the leadership team if they have made a report.</p>

	<ul style="list-style-type: none"> <li>• In the case of international students, the principal must notify the International Education Division of the Department on (03) 9637 2990 to ensure that appropriate support is arranged for the student.</li> <li>• In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.</li> </ul>
7	Notify the Victoria Police if there is concern that a criminal offence may have been committed

## REFERENCES

<http://www.dhs.vic.gov.au/cpmanual/intake/overview-of-intake-of-reports-under-the-children,-youth-and-families-act/?a=660715>

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/protecting-children-together>

<http://www.dhs.vic.gov.au/for-service-providers/children%2c-youth-and-families/child-protection/specialist-practice-resourcesfor-child-protection-workers/child-development-and-trauma-specialist-practice-resource>

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>